



1/FW 1653

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First named inventor: Ashley Davis

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Examiner: Lukton, D

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AMENDMENT and RESPONSE UNDER revised 37 C.F.R. # 1.121 July 30<sup>th</sup> 2003

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Dear Dr. David Lukton:

Thank you for your latest correspondence. We have identified each one of the remaining points that the Examiner has written in the response dated 7-7-2004 so that they can be clearly addressed. They are in the same as order as in the response dated 7-7-2004.

Point 1: Examiner's response p2 line 6 to p3 line 2.

As concerns the confusion surrounding Claim 3, Examiner's correspondence 11/7/2003 and 4/7/2004 and applicant's response 12/9/2003. Claim 3 was deleted and replaced with Claims 8 thru 21. The multiple entries in applicant's response 12/9/2003 were due to multiple inclusions concerning Claim 3 in Examiner's correspondence 11/7/2003.

Point 2: Examiner's response p3 line 3 to p3 line 12.

As concerns results from the compound BAABE (not BAABU) presented in USPTO # 6,294,695, we contend that there are not sufficient results contained in USPTO 6,294,695 to warrant a predictive implication and double type patenting. In particular the Examiner's attention is drawn to the full extent of results presented from BAABE, i.e. the first line of Table 2. That is a simple cell inhibition test that is not connected with tubulin or microtubules. The very limited knowledge